

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

UNITED STATES OF AMERICA, <i>ex rel.</i>)	
KRISTI EMERSON, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civil Case No.: 1:15-cv-00027
)	CHIEF JUDGE CRENSHAW
v.)	
)	
SIGNATURE HEALTHCARE, LLC, <i>et al.</i> ,)	
)	UNDER SEAL
)	
Defendants.)	

STIPULATED MOTION FOR ENTRY OF ORDER OF DISMISSAL IN PART

The United States of America and Relators Kristi Emerson and Leeann Tuesca, by and through their undersigned counsel and pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, hereby jointly move for entry of an Order of Dismissal of the claims in this Action that Defendants violated 31 U.S.C. § 3729, and of Relators' claims for attorneys' fees and costs pursuant to 31 U.S.C. § 3730(d)(1).

On May 29, 2018, the United States and Relators entered into a Settlement Agreement ("Settlement Agreement") with Signature Healthcare, LLC and many of its subsidiaries (as delineated on Attachment A to the Settlement Agreement), including all of the Defendants named in this Action. Signature Healthcare, LLC has now made its first payment pursuant to the Settlement Agreement.

Relators claim entitlement to attorneys' fees and costs as provided for by 31 U.S.C. § 3730(d)(1), which claims have been resolved by Relators and the Signature defendants. Relators also claim entitlement to damages pursuant to 31 U.S.C. § 3730(h). Because the Relators and the Signature Defendants have not resolved the 31 U.S.C. § 3730(h) claims of either Relator, the

Plaintiffs request that the Court retain jurisdiction with regard to both of the Relators' § 3730(h) claims.

Consequently, and in accord with the Settlement Agreement, the Plaintiffs respectfully request that the 31 U.S.C. § 3729 claims and the 31 U.S.C. § 3730(d)(1) claims against Defendants in this Action be dismissed as follows:

1. All § 3729 claims asserted by Relators in this Action be dismissed with prejudice to Relators.
2. Those claims that are defined in the Settlement Agreement as the Medicare Covered Conduct be dismissed with prejudice to the United States.
3. All § 3729 claims asserted by Relators in this Action that are not a part of the Medicare Covered Conduct be dismissed without prejudice to the United States.
4. The Relators' claims for attorneys' fees and costs under 31 U.S.C. § 3730(d)(1) be dismissed with prejudice to Relators and their counsel.
5. Relators' claims under 31 U.S.C. § 3730(h) are **NOT DISMISSED**.
6. The United States and defendants shall bear their own costs and attorneys' fees.

A proposed order accompanies this notice.

Dated: June 11, 2018

Respectfully submitted,

FOR THE UNITED STATES

CHAD A. READLER
Acting Assistant Attorney General

DONALD Q. COCHRAN
United States Attorney
Middle District of Tennessee

By: /s Sarah K. Bogni

SARAH K. BOGNI
Assistant U.S. Attorney
110 Ninth Avenue South, Suite A-961
Nashville, TN 37203
Telephone: (615) 736-5151
Fax: (615) 401-6626
Email: sarah.bogni@usdoj.gov

MICHAEL D. GRANSTON
ANDY MAO
CHRISTELLE KLOVERS
Attorneys, Civil Division
Commercial Litigation Branch
P.O. Box 261
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 305-3656

FOR THE RELATORS
KRISTI EMERSON AND LEEANN TUESCA

By: /s Jerry Martin
JERRY MARTIN
DAVID W. GARRISON
SETH M. HYATT
Barrett Johnson Martin & Garrison, LLC
Bank of America Plaza
414 Union Street, Suite 900
Nashville, Tennessee 37219
Telephone: (615) 244-2202
Email: jmartin@barrettjohnston.com

Robert K. Lu
Robbins Geller Rudman & Dowd LLP
655 W. Broadway, Suite 1900
San Diego, California 92101
Telephone: (619) 231-1058

James E. Barz
Robbins Geller Rudman & Dowd LLP
200 S. Wacker Dr., 31st Floor
Chicago, Illinois 60606
Telephone: (312) 674-4674